



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos. 18603 and 18604 of 2017

and

W.M.P. (MD) Nos. 14496 to 14499 of 2017

P. Paramsivam ... Petitioner in W.P. (MD) No. 18603 of 2017
R. Krishnamoorthi ... Petitioner in W.P. (MD) No. 18604 of 2017

Vs

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
3. The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.
4. The Block Development Officer,
Aruppukottai,
Virudhunagar District.
5. The Executive Officer,
Aathipatti Village Panchayat,
Kattakanjampatti,
Aruppukottai Taluk,
Virudhunagar District.

6. N. Ravi ... Respondents in both writ petitions

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.Vu.E4/1235/2017 dated 15.09.2017 and quash the same as illegal, arbitrary and in violation of provisions of Tamil Nadu Panchayat Act 1994.

For Petitioner : Mr. B. Saravanan
For R1 to R3 : Mr. M. Karuppasamy
Government Advocate
For R4 and R5 : Mr. Aayiram K. Selvakumar
For R6 : Mr. M. Thirunavukkarasu
Advocate Commissioner : Mr. T. Cibi Chakravarthi
(in both cases)

**COMMON ORDER**

Heard the learned counsel on either side.

2.The writ petitioners challenge the order dated 15.09.2017 passed by the District Collector, Virudhunagar directing shifting of the burial ground from one survey number to any other survey number.

3.When these writ petitions were taken up for hearing, the learned counsel appearing for the contesting respondents brings it to the notice of this Court that the very same order was challenged in W.P.(MD)No.9345 of 2015 by way of a Public Interest Litigation. The said Writ Petition was dismissed by the Hon'ble Division Bench on 25.04.2018.

4.The learned counsel for the petitioners wanted to submit that the dismissal of the said Public Interest Litigation will not operate as a *res judicata*.

5.I am of the view that the petitioners will have to necessarily move the Hon'ble Division Bench by way of review. With this liberty to the petitioners, these writ petitions stand closed. No costs. Consequently, connected miscellaneous petitions are closed.

sd/
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
3. The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.
4. The Block Development Officer,
Aruppukottai,
Virudhunagar District.

+2 CC to Mr.B.SARAVANAN, Advocate SR-52502,52503
+1 CC to SPL GP (SR-52612[F] dated 08/03/2019)

W.P. (MD) Nos.18603 and 18604 of 2017
and W.M.P. (MD) Nos.14496 to 14499 of 2017
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